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8 SAN BERNARDINO; CORY
9 MCCARTHY, ANDREW POLICK;
DAVID MOORE, and CRISTINA
OLIVAS

10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

12
13 A.J.P. and A.M.P., minors by and
14 through their guardian ad litem Cynthia
15 Nunez, individually and as successor in
interest to Albert Perez, deceased; and
16 PATRICIA RUIZ, individually,

17 Plaintiffs,

18 v.

19 COUNTY OF SAN BERNARDINO;
and DOES 1-10, Inclusive,

20 Defendant.

21 Case No. 5:22-CV-01291 SSS (SHKx)

22 [Honorable Sunshine Suzanne Sykes,
Magistrate Judge, Shashi H.
Kewalramani]

23 **DECLARATION OF SERGEANT
ANTHONY SCALISE IN SUPPORT
OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

24 **Filed concurrently with:**

1. *Notice of Motion and Motion;*
2. *Statement of Uncontested Facts;*
3. *Declaration of Kayleigh Andersen;*
4. *Declaration of Sergeant Gaytan;*
5. *Declaration of Corporal McCarthy;*
6. *Declaration of Corporal Olivas;*
7. *Declaration of Corporal Pollick;*
8. *Declaration of Deputy Moore;*
9. *Declaration of Deputy Stone; and*
10. *[Proposed] Order*

25 Date: April 19, 2024

26 Time: 2:00 p.m.

27 Crtrm.: Courtroom 2, 2nd Floor

28 *Action Filed: 07/22/2022*

DECLARATION OF SERGEANT ANTHONY SCALISE

I, Sergeant Anthony Scalise, declare as follows:

3 1. I am employed as a Sergeant for the San Bernardino County Sheriff's
4 Department ("SBSD"). I am currently assigned to the Civil Liabilities Division. I
5 have personal knowledge of the matters set forth herein below and if called upon to
6 testify, I will competently testify thereto.

7 2. In my capacity as a Sergeant in the Civil Liabilities Division, I serve as
8 a custodian of records for San Bernardino County. As such, I am familiar with the
9 policies and procedures for maintaining case-related documents and files.

10 3. San Bernardino County is in possession of and has maintained the
11 following files, which include audio, video, and investigation materials, and are
12 attached hereto as the following exhibits:

13 4. Attached hereto as Exhibit "A" is a true and correct copy of the Detailed
14 Call Log History ("Call Log History ") from the subject incident in this case.

15 5. Attached hereto as Exhibit "L" is a true and correct copy of photos of the
16 garage, the incident location, taken by members of the SED Team after the subject
17 incident on August 29, 2021

18 6. Attached hereto as Exhibit "M" is a true and correct copy of San
19 Bernardino County Sheriff's Department Policy 3.608 The Use of Lethal Force ("Use
20 of Force Policy").

21 I declare under penalty of perjury under the laws of the United States of
22 America that the foregoing is true and correct.

23 Executed on this 28th day of February, 2024, at San Bernardino, California.

Anthony Scalise

Sergeant Anthony Sealise

Exhibit “A”

Detailed History for Police Inc# #VC212410229 As of 8/31/2021 07:31:12

Output for: F3085

Priority:4 Type:LFE - Lethal Force Encounter

Location: 16567 ZENDA ST #1, VVC btwn CULLEY ST and S MOJAVE DR

Created:	08/29/2021 17:26:55	DC57	C5697
Entered:	08/29/2021 17:29:56	DC57	C5697
Dispatch:	08/29/2021 17:31:20	DC10	H8873
Enroute:	08/29/2021 17:31:20	DC10	H8873
Onscene:	08/29/2021 17:38:14	MVCP14	F5443
Control:	08/29/2021 19:20:06	DC10	H8873
Closed:	08/30/2021 19:27:47	DC06	E2409

IC: PrimeUnit:60H13 Dispo:RTF Type:LFE - Lethal Force Encounter

Jur:VC Group:VC Squad Area:VC2 RptDist:VC031

Case #: SPR2100165, VCR2108196 Detail

17:26:55pdt	CREATE	Location:16567 ZENDA ST #1, VVC Type:415S Inf/Name:FREGOSO,HELEN Phone:626/485-4425 Source:WPH2 Group:VC RD:VC031 TypeDesc:SUBJECT DISTURB LocDesc:btwn CULLEY ST and S MOJAVE DR Priority:1 Response:1PAT Jur:VC LocType:S RPCont:Y GeoLong:-117.300431 GeoLat:34.523516
17:29:56	ENTRY	Text:DAUS FRIEND S1 IN THE GARAGE, HBD AND BEING 415V, CLAIMS HE HAS A GUN IN HIS RIGHT FRONT POCKET
17:29:56	ALI	E911Phne:626/485-4425 E911Pilot:909/511-1338 E911Add:16350 MOJAVE DR, VVC E911Subs:T-MOBILE USA E911Srce:WPH2 Tower:TMOB AliLong:-117.302495 AliLatitude:34.52332900 Confidence:90
17:29:56	ALIGEO	GeoLong:-117.302495 GeoLat:34.52332900 ClosestAdd:16158 ALLEY ALY ClosestInt:ALLEY ALY / CULLEY ST InterDesc:191 ft NE Area1:VC031
17:29:56	SUBJ	S#:1 Race:H Sex:M Age:33 Hght:505 Wght:180 Name:PEREZ,ALBERT Misc:LSW: BLU SWEATER, GRAY SWEATS
17:29:56	-PREMIS	Text:PPR
17:29:57	RFT	Name:PEREZ ,ALBERT Race:H Sex:M Repeat: <u>Yes</u>
17:30:28	-SELECT	
17:31:17	MISC	Text:BOLOD P22
17:31:19	MISC	Text:P22 COPIES
17:31:20	DISPER	<u>17P22</u> Operator:F5443 OperNames:CARTER,STEVEN
17:31:20	-PRIU	<u>17P22</u>
17:31:20	HOLD	
17:31:48	PRIOR	Location:16567 ZENDA ST #1, VVC PremType:PPR
17:31:51	LOGM	<u>17P22</u> Message: <u>032108300031000386</u> MessageType:XML Received:08/29/2021 17:31:49 Text:CHL
17:32:30	INFO	Text:RP PUT DAU ON THE PHONE, SAID HE CAME TO VISIT AND STARTED TALKING ABOUT HER CAUSING HIM PROBLEMS, PULLED OUT BLK HANDGUN FROM HIS POCKET, DID NOT BRANDISH IT AT RP BUT THINKS PEOPLE ARE AFTER HIM.
17:33:44	INFO	Text:UNK H/S BUT ACTING PARANOID. MALE CAME TO HER RESD IN SIL KIA RIO. DAU TOLD HIM TO LEAVE THEN WENT INSIDE THE HOME. DOORS AND WINDOWS LOCKED.
17:34:10	MISC	<u>17P22</u> Text:COPIES
17:34:26	INFO	
17:34:26	SUBJ	S#:2 Sex:F Age:51 DOB:12/06/1969 Name:CAUDILLO,RENEE Misc:DAU
17:34:28	RFT	Name:CAUDILLO ,RENEE Sex:F DOB:19691206 Repeat: <u>Yes</u>
17:34:48	INFO	Text:ONLY RP AND DAU IN THE RESD. UNK IF HE IS STILL OUTSIDE IN THE

17:51:54 MISC 40K4 Text:12-15 MIN ETA FROM SB
 17:53:09 ASSIST 17S5 CalSgn:17P22 Location:16567 ZENDA ST #1, VVC Operator:B6735
 OperNames:CLARK,NICHOLAS
 17:54:27 *ONSCN 17X7
 17:54:39 MISC 17P22 Text:SUBJ IN GARAGE SITTING IN CHAIR NON VERBAL STILL HOLDING GUN
 17:54:46 MISC 40K4 Text:13 MIN OUT
 17:55:54 MISC 17P25 Text:RESD/RP LOCKED GARAGE FROM INSIDE RESD SUBJ WILL NOT BE ABLE TO GO OUT DOOR UNLESS HE BREAKS IT/ UNK HS MOST LIKELY HBD
 17:56:16 RFT 17P22 Text:INQUIRY CDL,PEREZ,ALBERT,X,„„„,VICTORVILLE,„„„
 17:57:12 RFT 17P22 InvType:SNS Name:PEREZ,ALBERT Sex:M DOB:07/27/1994
 17:57:13 RFT 17P22 Text:INQUIRY SNS,PEREZ,ALBERT,,M,07/27/1994,,„X,X,X,,X,„„„,
 17:57:31 LOGM 17P22 Message:032108300057000677 MessageType:Text Received:08/29/2021 17:57:23
 Text:CDL PEREZ
 17:57:41 LOGM 17P22 Message:032108300057000679 MessageType:HTML Received:08/29/2021 17:57:10
 Text:CNI PEREZ
 17:57:56 RFT 17P22 Text:INQUIRY GUN,„„„,BOTH,„„„,PEREZ,ALBERT,,07271994,„„„
 17:58:53 MISC 17P22 Text:STILL REFUSING COMMANDS
 17:59:07 LOGM 17P22 Message:032108300059000681 MessageType:Text Received:08/29/2021 17:57:58
 Text:NEG GUN REG TO PEREZ 072799
 17:59:12 MISC 40K4 Text:8 MIN OUT
 17:59:30 MISC 17P22 Text:SUBJ CONTAINED IN GARAGE STILL NON RESPONSIVE TO DEPS
 18:01:04 MISC 17P23 Text:CLEAR RESD EAST AND WEST OF INCLOC
 18:02:13 MISC 17S9 Text:ANYONE ON FRONT END OF RESD
 18:03:33 MISC Text:LARGE WHI COMPLEX W/O BEING EVAUATED
 18:03:48 MISC 17S9 Text:CLEAR EAST AND WEST FROM PRIMARY
 18:04:12 RFT 17P22 InvType:SNS Name:PEREZ,ALBERTO Sex:M DOB:02/24/1989
 18:04:13 RFT 17P22 Text:INQUIRY SNS,PEREZ,ALBERTO,,M,02/24/1989,,„X,X,X,,X,„„„,
 18:04:28 LOGM 17P22 Message:032108300104000720 MessageType:HTML Received:08/29/2021 18:04:12
 Text:CNI PEREZ 022489**
 18:05:08 MISC 17P25 Text:16583 ZENDA #D IS BEING EVACUATED
 18:05:39 LOGM Message:032108300105000722 MessageType:Text Received:08/29/2021 18:05:27 Text:CDL PEREZ 022489
 18:05:56 RFT Text:INQUIRY GUN,„„„,BOTH,„„„,PEREZ,ALBERTO,,02241989,„„„
 18:06:20 MISC 17P25 Text:16583 ZENDA #B BEING EVACUATED
 18:06:31 ONSCN 40K4
 18:06:43 LOGM 17P22 Message:032108300106000726 MessageType:Text Received:08/29/2021 18:05:59
 Text:NEG GUN REG TO PEREA 022489
 18:06:50 LOGM 17P22 Message:032108300106000727 MessageType:Text Received:08/29/2021 18:05:59
 Text:NEG GUN REG TO PEREZ 022489**
 18:07:15 MISC 17P25 Text:16583 ZENDA #C EVACUATED
 18:07:50 MISC 40K4 Text:ANOTHER UNIT TO NORTHSIDE AND FRONT BLOCK THE RD/
 PEOPLES SEEN ON NORTHSIDE OF STREET
 18:08:05 MISC 40K4 Text:HESPERIA OR AP TO ASSIST
 18:08:30 ASSIST 18R21 CalSgn:40K4 Location:16567 ZENDA ST #1, VVC Operator:H7621
 OperNames:GUZMAN,GREGORY
 18:08:33 MISC 17P25 Text:16553 ZENDA #1 EVACUATED
 18:09:07 ASSIST 19X5 CalSgn:17P25 Location:NORTHSIDE OF COMPLEX Operator:H6883
 OperNames:ROGOFF,TANNER
 18:09:25 MISC 40K4 Text:NEXT UNIT THAT GOES 97 TO BLOCK COOLEY / ZENDA
 18:09:46 MISC 40K4 Text:ALSO AT 16591 ZENDA BLOCK STREET/ NEXT TO SEMI
 18:09:50 CHGLOC 18R21 Location:COOLEY / ZENDA Text:TO BLOCK
 18:11:30 MISC 17S5 Text:STILL NO MOVEMENT SILL ATTEMPTING TO COMMUNICATE
 18:12:36 MISC 17S9 Text:16850 16582 RAMADA WILL SHELTER IN PLACE
 18:12:51 MISC 17S9 Text:16580 16582 RAMADA WILL SHELTER IN PLACE**

19:16:33 MISC 17S9 Text:THERE IS NO FAMILY BUT THE FRIEND IS UP ON THE WEST SIDE ON THE GRASS IN A BLK DRESS

19:17:51 RFT Text:INQUIRY QL,6JRC947,,,"

19:18:09 LOGM Message:032108300218001183 MessageType:Text Received:08/29/2021 19:17:52 Text:06 KIA/PEREZ VEH

19:18:54 ASSIST 61Z15 CalSgn:17P22 Location:16567 ZENDA ST #1, VVC Operator:F7805 OperNames:OLIVAS,CHRISTINA

19:18:54 ASSIST 61S1 CalSgn:17P22 Location:16567 ZENDA ST #1, VVC Operator:B5575 OperNames:GAYTAN,LUCAS

19:18:54 ASSIST 61Z11 CalSgn:17P22 Location:16567 ZENDA ST #1, VVC Operator:F7810 OperNames:POLLICK,ANDREW

19:18:54 ASSIST 61Z13 CalSgn:17P22 Location:16567 ZENDA ST #1, VVC Operator:F5144 OperNames:MOORE,DAVID

19:18:54 ASSIST 61Z14 CalSgn:17P22 Location:16567 ZENDA ST #1, VVC Operator:F5197 OperNames:MCCARTHY,CORY

19:18:54 ASSIST 61Z45 CalSgn:17P22 Location:16567 ZENDA ST #1, VVC Operator:G6200 OperNames:NERENBERG,RYAN

19:19:26 MISC 61Z14 Text:MEDS TO STAGE

19:19:41 MISC 17S5 Text:MEDS ARE HERE

19:19:58 MISC Text:UNK UNIT, MEDS ARE AT ZENDA/CULLEY

19:20:06 OK 19X5

19:21:01 SCDOFF 61Z45

19:21:05 PRMPT 61Z45

19:21:40 ASSIST 61Z45 CalSgn:61Z15 Location:16567 ZENDA ST #1, VVC Operator:E5340 OperNames:STONE,JOSHUA

19:21:40 ASSIST 61Z30 CalSgn:61Z15 Location:16567 ZENDA ST #1, VVC Operator:E6895 OperNames:GARY,GREG

19:22:32 MISC 61Z14 Text:HAVE MEDS RELOCATE TO THE WEST SIDE OF THE CITY LIBRARY ON THE WEST SIDE OF THE PARKING LOT

19:23:03 MISC Text:MEDS UPDATED

19:24:59 *RFT 17S9 Text:INQUIRY CR-HST,,25834277,,,"",,LAFEVER, INV,212410229,417,,X

19:35:46 ASSIST 61Z84 CalSgn:61Z13 Location:16567 ZENDA ST #1, VVC Operator:F3081 OperNames:ALCALA,ANTHONY

19:43:07 ASSIST 17D6 CalSgn:17S9 Location:19 Operator:C8957 OperNames:PLACENCIA,MIGUEL Text:FOR SW

19:43:37 *MISC 61Z84 Text:NEED 21 FOR PEREZ IF POSS

19:51:59 INFO Location:16567 ZENDA ST, VVC Type:INFO Inf/Name:ROLDAN,RUBEN InfAdd:15689 BEAR VALLEY Phone:760/963-7371 Source:W911 Group:VC TypeDesc:INFORMATION CALL LocDesc:btwn CULLEY ST and S MOJAVE DR Priority:4 RPCont:P Text:RP ADV HE WAS AT A RES NEXT DOOR WHEN THE INC OCCURRED AND HE LEFT HIS VEH IFO THE LOC/STS THAT HIS WALLET AND PROPERTY IS IN THE VEH/ WANTED TO ADV THE DEPUTIES IN CASE THEY COME ACROSS THE VEH OR THERE IS AN ISSUE/ NFI

19:51:59 ALI E911Phne:760/963-7371 E911Pilot:909/511-3614 E911Add:15545 BEAR VALLEY RD, HES E911Subs:VERIZON WIRELESS 1-800-451-5242 E911Srce:WPH2 Tower:VZW AliLong:-117.321270 AliLatitude:34.46995300 Confidence:90

19:51:59 ALIGEO GeoLong:-117.321270 GeoLat:34.46995300 ClosestAdd:12062 ELEVENTH AVE ClosestInt:ELEVENTH AVE / BEAR VALLEY RD InterDesc:232 ft S Area1:HE103

19:51:59 VEH V#:1 VehCol:BLK Make:HOND Misc:XTERRA / NM PLATE InvType:INVV

19:57:33 MISC 17S5 Text:SUBJ IS HOLDING THE GUN WITH BOTH HANDS, WILL BE DEPLOYING THE BEANBAG

20:07:59 *ONSCN 61Z84

20:08:24 *ONSCN 61Z15

20:10:01 *ASSIST 17P25 CalSgn:17P22 Location:16567 ZENDA ST #1, VVC Operator:H9794 OperNames:MORALES, ROBERTO

20:12:17 MISC 61Z14 Text:CTC AIR RESCUE AND SEE IF THEY CAN STAGE AT VICTOR VALLEY

HOSPITAL

20:14:22 MISC Text:PER COMM CENTER, AIR RESCUE 6 IS EOW AT 1800 HOURS

20:14:37 MISC Text:PER 40K4, AIR RESCUE WAS NOTIFIED AND WILL BE LAUNCHING.

20:16:03 *ONSCN **17P25**

20:16:13 MISC **17S5** Text:STILL TRYING TO TALK, NO RESPONSE

20:16:16 MISC **17S5** Text:STILL TRYING TO TALK, NO RESPONSE**

20:25:50 MISC Text:PER 40K, AR6 WILL BE RESPONDING JUST GOT CALLED OUT / UNK ETA

20:26:01 MISC **17S5** Text:CHK WITH CHP FOR BITE DOG

20:27:22 MISC Text:INLAND CHP ADVISED OF REQ FOR K9, WILL CHK AND CB.

20:30:10 *MISC **61Z11** Text:323-593-1685 WINONIA FEMALE IN #2 95 YO FEMALE JOICE
JEFFERSON IS ALSO INSIDE

20:31:03 MISC Text:CHP DOESN'T HAVE A K9 AVAIL

20:32:18 MISC Text:ONTARIO PD CHKS NEG FOR BITE DOG

20:33:52 MISC **17S9** Text:CHK WITH BPD/RIALTO PD FOR BITE DOG

20:34:08 MISC Text:BAPD NEG ANY K9'S

20:37:21 MISC **61Z84** Text:INITIAL NEGOTIATIONS ATTEMPTED, STILL NOT CORRESPONDING.

20:37:38 MISC Text:RIALTO PD HAS A BITE DOG ENRT, K92, DRIVE TIME FROM THEIR CITY.

20:38:42 INFO Location:16580 RAMADA DR, VVC Inf/Name:MARIA Group:VC LocDesc:btwn
CULLEY ST and ALLEY ALY RPCont:Y Text:ASKING IF SITUATION HAS BEEN
RESOLVED // ADV'D TO CONTINUE TO SHELTER IN PLACE

20:39:17 ASSIST **K92**

20:41:36 MISC **17S9** Text:K92 TO 87 AT ZENDA/CULLEY IN THE ALLEY WAY

20:51:20 MISC **61S1** Text:WILL BE HEADING TO THE FRONT OF THE LOC TO ATTEMPT TO
EVACUATE APT #2 FROM ZENDA SIDE

20:55:06 *ASSIST **17P21** CalSgn:17P22 Location:16567 ZENDA ST #1, VVC Operator:H5128
OperNames:ALVAREZ,SUNI

20:55:48 MISC **61Z84** Text:NEGOTIATIONS ARE STILL INEFFECTIVE

20:56:04 MISC **61Z84** Text:PEREZ STILL HAS THE FIREARM IN HIS RIGHT HAND

20:56:38 MISC **61Z14** Text:2 SE PERSONNEL TRYING TO MAKE CTC AT THE APTS TO THE WEST

20:57:48 ONSCN **17D6**

20:58:39 MISC Text:RIALTO K9 ENR FROM 15/GLEN HELEN PKWY

20:59:39 MISC **61Z14** Text:UNIT #2 WILL SHELTER IN PLACE

21:07:14 MISC **17S5** Text:STILL TRYING ON NEGOTIATIONS. SUBJ IS STARTING TO GET TIRED.

21:13:02 *CHANGE **17P22** Type:415S-->417 CAS:0141 TypeDesc:SUBJECT DISTURB-->BRANDISHING
WPN

21:13:02 *CASE **17P22** Case#:VCR2108196

21:13:16 *RI **17P22**

21:16:27 *ASSIST **17P11** CalSgn:17P26 Location:16567 ZENDA ST #1, VVC Operator:H8234
OperNames:ESQUIVEL,TRAVIS

21:16:33 *ONSCN **17P21**

21:17:22 *CLEAR **18R21**

21:23:54 MISC Text:UNK UNIT, BEARCAT IS MOVING

21:23:57 *ONSCN **17P11**

21:27:10 MISC **61S1** Text:UNITS TO STAY WIDE AND BEHIND COVER

21:35:47 CONTCT **17P22 K92 17D6 17P11 17P21 17P23 17P24 17P25 17P26 17S5** Contact:00

21:35:47 CONTCT **17S9 17X7 19X5 61S1 61Z11 61Z13 61Z14 61Z15 61Z30 61Z45** Contact:00

21:35:47 CONTCT **61Z84** Contact:00

21:36:36 MISC Text:UNK UNIT HAS VISUAL OF BOTH HANDS ON EACH LEG, I CANNOT SEE THE
GUN.

21:38:29 MISC **61S1** Text:UNIT TO GIVE THE SUBJ COMMANDS TO STAND UP AND SHOW HIS
HANDS

21:38:38 MISC **61S1** Text:IF HE GOES TO THE GUN WE WILL DEPLOY LESS LETHAL

21:40:19 MISC **61S1** Text:IF THE SUBJ MAKES ANY FURTHER MOVEMENTS WE ARE USING LESS
LETHAL

21:43:52 MISC **61S1** Text:SHOTS FIRED, SUSP IS DOWN

21:44:11 MISC Text:UNK UNIT, HAVE OBS ON THE SUBJ AND HIS HANDS ARE UNDER THE TABLE
21:44:33 MISC 61S1 Text:SENDING THE ROBOT IN TO SEE IF WE CAN GET EYES ON HIS HANDS
21:46:45 MISC 61S1 Text:ROBOT IS DEPLOYED, HANDS OF THE SUSPECT ARE UNDER HIS BODY
21:47:00 MISC 61S1 Text:PREPARING FOR APPROACH, ONCE CLEARED WILL TRANSITION TO MEDICAL
21:47:09 BACKOS 17P13 CalSgn:17P11 Location:16567 ZENDA ST #1, VVC
21:48:15 MISC 61Z14 Text:MOVING IN ON THE SUSP NOW
21:48:56 MISC 61S1 Text:SUSP IS SECURED, CHECKING HIM FOR WEAPONS AND PROVIDING MEDICAL-AID
21:49:41 MISC 61S1 Text:MEDICAL IS CLEAR IN
21:50:06 MISC Text:MEDS ADVISED
21:50:27 COMBIN Service:P Inc#: #VC212410307 Type:SHOTSH Jur:VC
21:54:21 MISC 17P25 Text:PER 17D6 SW HAS BEEN SENT OFF
21:57:37 MISC Text:PER COMM CENTER, AIR RESCUE 306 TO GO TO CHANNEL EMS2
21:58:52 MISC Text:AIR RESCUE ADVISED
22:02:19 MISC 17S5 Text:SEND A+
22:03:39 MISC 17P21 Text:AMILY MEMBERS LOCATED BY THE AMBULANCE AND ARE HYSTERIC
22:03:50 MISC 61S1 Text:UNITS TO PUSH THE FAMILY MEMBERS BACK AND KEEP THE LIGHT OFF HIM
22:03:57 MISC Text:UNK UNIT, MORALES WILL BE RIDING WITH
22:05:32 CHGLOC 17P25 Location:VICTOR VALLEY HOSPITAL, VVC Text:FOLLOWING AMR
22:05:34 MISC Text:PER COMM CTR, AR306 22'D, AR43 WILL BE ENRT TO HOSP
22:06:21 OK 17P22 17P13 K92 17D6 17P11 17P21 17P23 17P24 17P25 17P26 Contact:00
22:06:21 OK 17S5 17S9 17X7 19X5 61S1 61Z11 61Z13 61Z14 61Z15 61Z30 Contact:00
22:06:21 OK 61Z45 61Z84 Contact:00
22:06:28 MISC 17P22 Text:LIFT 33
22:06:33 MISC Text:33 LIFTED
22:06:42 MISC Text:C33 LIFTED ON DCTAC2
22:06:48 *CLEAR 17P13
22:08:53 MISC 17P25 Text:97 WITH AMR
22:09:49 MISC 17S5 Text:APPEARS THE FAMILY HEADED TO THE HOSPITAL AS WELL.
22:11:58 MISC 17D6 Text:SW SIGNED
22:12:41 BACKOS 17P13 CalSgn:17P22 Location:16567 ZENDA ST #1, VVC Operator:H9010
OperNames:RAPISARDI, DOMINIC
22:16:27 MISC 17S9 Text:RESD AT 16567 #2 CHK IS C4.
22:16:41 MISC 17S9 Text:THEY WERE THE RESD WHO ORIGINALLY SHELTERED IN PLACE.
22:18:20 MISC 17P25 Text:CPR IN PROGRESS
22:18:34 *MISC 17P25 Text:CIVILIAN WHO FOLLOWED AND SHOWED UP VVGMC WITH AMR - SUMMER ARISPE // 04/24/1995 // (909) 789-2407
22:18:51 MISC Text:RESD AT 16553 ZENDA #1 ASKING IF THEY CAN RETURN
22:18:56 RFT InvType:SNS Name:ARISPE,SUMMER Sex:F DOB:04/24/1995
22:18:56 RFT Text:INQUIRY SNS,ARISPE,SUMMER,,F,04241995,,,X,X,X,,X,,,,
22:19:31 MISC 17S9 Text:GET INFO FOR SUBJS AT 16553 ZENDA AND I WILL MAKE 21 CTC
22:19:39 LOGM Message:032108300519002436 MessageType:Text Received:08/29/2021 22:19:11
Text:ARISPE/CDL
22:20:42 INFO Location:16567 ZENDA ST #1, VVC Inf/Name:CHAVEZ,OSCAR Phone:760/684-1331
Group:VC LocDesc:btwn CULLEY ST and S MOJAVE DR RPCont:P Text:RESD AT 16553 ZENDA #1 REQ 21 REF RETURNING HOME
22:22:49 ASSIST 61C CalSgn:61S1 Location:16567 ZENDA ST #1, VVC Operator:F0357
OperNames:FERBER,KEVIN
22:23:10 MISC 17P25 Text:HANDCUFFS WERE JUST REMOVED
22:23:18 MISC 17P25 Text:CPR STILL IN PROGRESS
22:24:44 MISC 17P25 Text:AIR SHIP 97

22:28:52 MISC 17P25 Text:TOD 2228 HOURS
22:30:01 -XREF Service:P Inc#:#CO\$DC0602058 Type:COR1 Jur:COR Text:CTC DEP ON 21
22:31:08 XREF Service:P Inc#:#CO212410048 Type:COR1 Jur:VC
22:39:41 CHGLOC 17P23 17X7 Location:19
22:51:56 CLOS 61C Location:19
22:52:27 PRMISE Location:16567 ZENDA ST #1, VVC
22:52:53 ONSCN 17P23 17X7
22:55:39 ASSIST 60S1 CalSgn:61C Location:19 Operator:D2685 OperNames:WARRICK,MICHAEL
22:55:39 ASSIST 60H13 CalSgn:61C Location:19 Operator:F3085 OperNames:SPRAGUE,BRYAN
22:55:39 ASSIST 60H14 CalSgn:61C Location:19 Operator:D4311 OperNames:GARDEA,MICHAEL
22:55:39 ASSIST 60H15 CalSgn:61C Location:19 Operator:G3825 OperNames:GOSSWILLER,IAN
22:55:39 ASSIST 60H16 CalSgn:61C Location:19 Operator:A2689 OperNames:DELRIO,MICHELLE
23:01:27 CONTCT 17P22 K92 17D6 17P11 17P13 17P21 17P23 17P24 17P25 17P26 Contact:00
23:01:27 CONTCT 17S5 17S9 17X7 19X5 60H13 60H14 60H15 60H16 60S1 61C Contact:00
23:01:27 CONTCT 61S1 61Z11 61Z13 61Z14 61Z15 61Z30 61Z45 61Z84 Contact:00
23:15:19 CHGLOC 17P22 17P24 17P26 Location:19
23:18:11 ASSIST 42A44 CalSgn:17P25 Location:VICTOR VALLEY HOSPITAL, VVC Operator:D6636
OperNames:MATHIS,SHIRA
23:21:11 ONSCN 60H13
23:25:06 ONSCN 17P22
23:25:16 ONSCN 17P24 17P26
23:27:44 ONSCN 60H14
23:31:20 CONTCT 17P22 17P24 17P26 Contact:00
23:33:12 ASSIST 42A5 CalSgn:17P13 Location:16567 ZENDA ST #1, VVC Operator:F5307
OperNames:RUSS,MICHAEL
23:42:31 ONSCN 42A44
23:49:26 *RI 17P13
23:57:43 SCDOFF K92
23:57:45 PRMPT K92
[08/30/2021]
00:05:55 *CLEAR 19X5
00:06:30 CHANGE 60H13 Type:417-->LFE Priority:1-->4 CAS:0005 TypeDesc:BRANDISHING WPN-->Lethal
Force Encounter
00:06:30 -TEMPNO Number:SPR\$DC06059 ID:SPR
00:06:30 CASE 60H13 Case#:SPR2100165
00:06:33 -PERMNO Number:SPR\$DC06059-->SPR2100165
00:11:15 *CHGLOC 17P21 Location:19
00:17:11 ONSCN 42A5
00:20:57 *CLOS 17P21
00:25:27 MISC 17S9 Text:PUBLIC WORKS FOR HARD CLOSURES
00:27:11 MISC Text:PUBLIC WORKS ADVISED TO CLOSE CULLEY/ZENDA, CULLEY/ALLEY, S
MOJAVE/ALLEY, S MOJAVE/ZENDA.
00:49:41 *ASSIST 17P15 CalSgn:17P25 Location:VICTOR VALLEY HOSPITAL, VVC Operator:G9963
OperNames:LAROCCO,SOFIA
00:49:45 *ONSCN 17P15
00:49:56 *CLOS 17P15 Location:VV HOSP
00:50:05 CHGLOC 17P25 Location:19
00:55:22 OK 17P22 17D6 17P11 17P13 17P15 17P21 17P23 17P24 17P25 17P26 Contact:00
00:55:22 OK 17S5 17S9 17X7 42A5 42A44 60H13 60H14 60H15 60H16 60S1 Contact:00
00:55:22 OK 61C 61S1 61Z11 61Z13 61Z14 61Z15 61Z30 61Z45 61Z84 Contact:00
00:57:31 MISC 17P25 Text:97
00:57:57 *CLEAR 17P25
01:08:37 MISC 17P13 Text:CITY IS 97
01:42:52 PRMPT 17P21
01:42:57 PRMPT 17P23

01:43:47 CLOS 17S5 17S9 Location:19
02:32:48 CONTCT 17S5 17S9 Contact:00
02:42:27 PRMPT 61C
03:04:29 *CLEAR 17S9
03:14:22 *RI 17P13
03:32:00 SCDOFF 17P22
03:32:00 SCDOFF 17P24
03:32:00 SCDOFF 17P26
03:32:00 SCDOFF 17S5
03:32:04 PRMPT 17P22 17P24 17P26 17S5
03:32:04 -PRIU 17X7
03:55:49 PRMPT 17D6
04:01:47 *CLEAR 17P11
04:13:49 PRMPT 61Z11
04:25:56 CLOS 60H13
04:27:26 SCDOFF 61S1
04:27:26 SCDOFF 61Z13
04:27:26 SCDOFF 61Z14
04:27:26 SCDOFF 61Z15
04:27:26 SCDOFF 61Z30
04:27:30 PRMPT 61S1 61Z13 61Z14 61Z15
04:27:33 PRMPT 61Z30
04:29:07 SCDOFF 60S1
04:29:07 SCDOFF 61Z45
04:29:07 SCDOFF 61Z84
04:29:12 PRMPT 60S1 61Z45 61Z84
04:29:15 SCDOFF 17X7
04:29:19 PRMPT 17X7
04:29:19 -PRIU 17P13
04:30:53 *RI 17P13
04:51:08 OK 17P13 17P15 42A5 42A44 60H13 60H14 60H15 60H16 Contact:00
05:47:43 *CLEAR 17P15
06:22:08 *ASSIST 17P16 CalSgn:17P13 Location:16567 ZENDA ST #1, VVC Operator:H5892
OperNames:ALMARAZ,KENNETH
06:53:51 *OK 17P16
07:28:56 PRMPT 17P13
07:28:56 -PRIU 60H13
07:31:15 *CHGLOC 17P16 Location:19
07:31:31 *ASSIST 17P22 CalSgn:17P16 Location:19 Operator:H5128 OperNames:ALVAREZ,SUNI
07:45:50 PRMPT 17P22 Text:Preempted and dispatched to call #VC212420070
07:47:45 *ASSIST 17P22 CalSgn:17P16 Location:19 Operator:H5128 OperNames:ALVAREZ,SUNI
07:47:56 *ONSCN 17P22
07:51:10 *CHGLOC 17P16 Location:16567 ZENDA ST, VVC
07:57:59 *CLEAR 17P16
08:04:05 OK 17P22
08:12:09 *CLOS 17P22 Location:16567 ZENDA STREET
08:31:24 OK 17P22 Contact:000
09:09:59 DISPOS 17D1 Operator:F8534 OperNames:BRANDT,CLAYTON
09:10:29 BACKOS 17D8 CalSgn:17D1 Location:16567 ZENDA ST #1, VVC Operator:D4321
OperNames:BECHTOL,THOMAS
09:10:36 OK 17D1 17D8 Contact:000 Text:0
09:19:13 ASSIST 17D2 CalSgn:17D1 Location:16567 ZENDA ST #1, VVC Operator:G3225
OperNames:CULLUM,STUART
09:19:19 OK 17D2

09:42:52 *CLEAR 17P22
 09:43:36 BACKOS 17P22 CalSgn:17D1 Location:16567 ZENDA ST #1, VVC Operator:H5128
 OperNames:ALVAREZ,SUNI
 09:43:41 OK 17P22
 10:45:28 CONTCT 17D2 17P22
 10:59:54 BACKOS 61Z84 Operator:F3081 OperNames:ALCALA,ANTHONY
 11:00:19 *CHGLOC 61Z84 Location:CENTRAL STATION
 11:12:29 PRMPT 17D1 17D8 Text:Preempted and dispatched to call #VC212420150
 11:26:00 CONTCT 60H13 17D2 17P22 42A5 42A44 60H14 60H15 60H16 61Z84 Contact:0
 11:27:53 PRMPT 17D2
 11:28:44 PRMPT 61Z84
 12:11:21 *ASSIST 17X2 CalSgn:17P22 Location:16567 ZENDA ST #1, VVC Operator:F8945
 OperNames:BENNINGTON,CURTIS
 12:21:10 *ONSCN 17X2
 12:31:17 CONTCT 60H13 17P22 17X2 42A5 42A44 60H14 60H15 60H16 Contact:0
 12:37:05 *OK 17X2
 13:06:35 *PRMPT 17X2 Text:Preempted and dispatched to call #VC212420189
 16:17:49 PRMPT 42A44
 17:02:17 OK 17P22 Contact:00
 18:56:07 *CLEAR 17P22
 18:58:06 SCDOFF 60H14
 18:58:06 SCDOFF 60H15
 18:58:06 SCDOFF 60H16
 18:58:13 PRMPT 60H14 60H15 60H16
 18:58:23 CONTCT 60H13 42A5 Contact:00
 18:58:31 MISC 60H13 Text:STILL AT THE SCENE
 19:27:41 CLEAR 60H13 Dispo:RTF
 19:27:47 PRMPT 42A5
 19:27:47 -CLOSE

CONTACT INFO:

Inf/Name	Phone	InfAdd	RPCont	Language	HBD/HS	RPArmed
FREGOSO,HELEN	626/485-4425		Y			
ROLDAN,RUBEN	760/963-7371	15689 BEAR VALLEY	P			
MARIA			Y			
CHAVEZ,OSCAR	760/684-1331		P			

Exhibit “L”



EXHIBIT
StoneJ 1
12/14/2023

 Huseby.com

CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER

COSB 002278



EXHIBIT
StoneJ 2
12/14/2023

 Huseby.com

CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER

COSB 002238

Exhibit “M”



DEPARTMENT MANUAL

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER

COSB 002568



Sheriff's Department Manual -

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Note: Please see the Comprehensive Table of Contents for a detailed listing of all Department Manual sections.

Safety members shall use de-escalation techniques, crisis intervention tactics and other alternatives to force, as per their training, when feasible. Alternatives to force are not required by a member when the member reasonably believes that immediate action must be taken to prevent injury to themselves, another member or the public.

It is necessary for members to utilize crisis intervention tactics when applicable to a situation. If a member, based on their training and experience, determines a subject might be experiencing a crisis, the member shall consider crisis intervention tactics as an available means of de-escalation.

De-escalation techniques may include:

- Creating distance and a buffer zone between the officer and the subject;
- Establishing an effective line of communication with the subject, considering factors such as mental illness, possible intoxication, and potential medical or physical conditions; and
- Considering other available resources, including specialized units, psychiatric emergency response team clinicians, and negotiators.

New: 8-24-20

3.606.20 Use of Carotid Neck Restraint and Lateral Vascular Neck Restraint (LVNR)

Pursuant to Government Code 7286.5, the San Bernardino County Sheriff's Department policy does not authorize the use of a Carotid Neck Restraint or the Lateral Vascular Neck Restraint (LVNR) as an approved use of force option.

New: 1-4-21

3.608. The Use of Lethal Force

The use of lethal force is justified in the following circumstances:

- A safety member may use lethal force to protect himself or others from what he reasonably believes to be an immediate threat of death or serious bodily injury.
- A safety member may use lethal force to accomplish the arrest or prevent the escape of a suspected felon, when the member has probable cause to believe that the suspect poses a significant threat of death or serious bodily injury to the deputy or others.

Safety members shall not use lethal force to protect themselves from assaults that are perceived by the member to not likely have serious results.

A safety member shall not fire at a person who is called upon to halt on mere suspicion and who simply runs away to avoid arrest. Nor should a deputy fire at a "fleeing felon" if the member has any doubt whether the person to be fired at is in fact the person against whom the use of lethal force is permitted under this policy.

The use of lethal force cannot be justified solely by stating that it was initiated due to an order or authorization given by another department member. Safety members must be able to articulate a justified and appropriate use of lethal force, based on information available to them at the time it is used. There may be times when an authorization to use lethal force has been communicated, and yet circumstances have changed to the point that lethal force is no longer reasonable. Using an occupied vehicle to barricade a roadway, or ramming a vehicle is generally not recommended, but there may be certain limited situations where these techniques are necessary and appropriate.

Firearms should not be discharged from or at a moving vehicle except in exigent circumstances. In these situations, a safety

member must have articulable reason(s) for this use of lethal force, which include, but are not limited to the following:

- A person in the vehicle is threatening the safety member or another person with lethal force by means other than the vehicle; or
- The vehicle is operated in a manner which is likely to result in great bodily injury or death to a safety member or another person, and other reasonable means of defense have been exhausted, or are not available or practical. This may include, if time and circumstances allow, moving out of the path of the vehicle.

3.610. Reporting the Use of Force

A supervisor's use of force investigation shall be completed if circumstances involved in an incident fall under the guidelines set forth in this policy section. In such instances the investigating supervisor shall complete the BlueTeam Use of Force Report.

The term "use of force" is defined as any physical effort used to control, restrain, or overcome resistance by another.

The following requirements apply to any use of force incidents involving the application of open hand strikes, fists, feet, canines, impact weapons, Taser, or chemical agents or as directed by a supervisor:

1. All members involved make an oral report to their supervisor as soon as practicable after the incident.
2. At the direction of the incident supervisor, the initiating member shall complete a related crime report containing a detailed description of the facts involved including, but not limited to:
 1. The threat perceived by the member.

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 At the time of service, I was over 18 years of age and not a party to this
4 action. I am employed in the County of Los Angeles, State of California. My
business address is 801 S. Figueroa St, 15th Floor, Los Angeles, CA 90017-3012.

5 On March 1, 2024, I served true copies of the following document(s)
6 described as **DECLARATION OF SERGEANT ANTHONY SCALISE IN
SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** on
the interested parties in this action as follows:

7 **LAW OFFICES OF DALE K. GALIPO**
8 Dale K. Galipo, Esq.
Shannon Leap, Esq.
9 21800 Burbank Blvd., Suite 310
Woodland Hills, CA 91367
10 Tel: (818) 347-3333
Fax: (818) 347-4118
11 Email: dalekgalipo@yahoo.com;
sleap@galipolaw.com;
12 laurel@galipolaw.com

13 **ATTORNEYS FOR PLAINTIFFS, A.J.P.,
AND A.M.P., ET AL.**

14 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed
15 the document(s) with the Clerk of the Court by using the CM/ECF system.
16 Participants in the case who are registered CM/ECF users will be served by the
CM/ECF system. Participants in the case who are not registered CM/ECF users will
17 be served by mail or by other means permitted by the court rules.

18 I declare under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct and that I am employed in the office
of a member of the bar of this Court at whose direction the service was made.

19 Executed on March 1, 2024, at Los Angeles, California.

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21 *Maria T. Castro*
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